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DOCKET NO. 46312

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PUBLIC UTILITY COMMISSION

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OF TEXAS

**APPLICATION OF ROCK CREEK §
WATER SUPPLY CORPORATION §
AND POSSUM KINGDOM WATER §
SUPPLY CORPORATION FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN PALO PINTO COUNTY §**

COMMISSION STAFF'S COMMENTS AND RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Comments and Recommendation in response to Order No. 7 and would show the following:

I. BACKGROUND

On August 26, 2016, Rock Creek Water Supply Corporation (Rock Creek) and Possum Kingdom Water Supply Corporation (PKWSC) (collectively, Applicants) filed an application for the sale, transfer, or merger (STM) of the rights to Certificate of Convenience and Necessity No. 13139 and associated facilities in Palo Pinto County. On January 20, 2017, the Administrative Law Judge (ALJ) issued Order No. 5 allowing the proposed STM to proceed and be consummated and directing Applicants to file monthly status updates. Applicants filed information on February 9, 2017, March 13, 2017, April 11, 2017, and September 5, 2017. In Order No. 7, the ALJ set September 20, 2017, as the deadline for Staff to comment on whether Applicants' filings were simply status updates or if one or more of them included sufficient proof that the proposed STM had been completed and that customer deposits had been properly addressed. Therefore, this response is timely filed.

II. COMMENT ON APPLICANTS' FILINGS AND RECOMMENDATION

After reviewing the filings submitted by Applicants, Staff has concluded that the first four are simply status updates, while the filing dated September 5, 2017, includes proof that the proposed STM has been completed. Applicants submitted a signed contract and a signed bill of

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sale confirming that the transaction closed on July 1, 2017.¹ Staff has reviewed these documents and recommends that they be deemed sufficient to meet the requirements of 16 Texas Administrative Code § 24.109(n). Applicants also submitted a corrected Affidavit of Closing, which states that Rock Creek has never collected customer deposits.² Thus, Staff recommends a finding that all customer deposits have been properly addressed.

Staff is currently revising the Commission's mapping information to reflect this transaction. Upon completion of mapping, the parties must submit to the Commission signed consent forms evidencing their consent to the revised maps. Once Staff has received the completed and signed consent forms from the parties, Staff will issue its final recommendation on the application.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with the above recommendation, Staff proposed the following procedural schedule for the continued processing of this docket:

EVENT	DATE
Deadline for Staff to submit revised maps and certificates to Applicants for review and consent.	October 11, 2017
Deadline for Applicants to file signed consent forms with the Commission.	October 25, 2017
Deadline for parties to file a joint proposed notice of approval with findings of fact and conclusions of law, and ordering paragraphs.	November 15, 2017

IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with this recommendation.

¹ Response to Order No. 6 Requiring Status Reports at 9-15 (September 5, 2017).

² Correction to Affidavit of Closing (September 19, 2017).

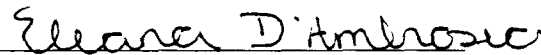
Dated: September 20, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 20, 2017, in accordance with 16 TAC § 22.74.



Eleanor D'Ambrosio